

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:14-00049

DARRELL SHAWTON COLLINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 2, 2024, the United States of America appeared by Troy Daniel Adams, Assistant United States Attorney, and the defendant, Darrell Shawton Collins, appeared in person and by his counsel, John J. Balenovich, for a hearing on the petition, and amendment, seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 24-month term of supervised release in this action on July 25, 2023, as more fully set forth in the Judgment in a Criminal Case entered by the court on September 17, 2014, and the Supervised Release Revocation and Judgment Order Memorandum Opinion and Order entered on April 11, 2023.

The court heard the admissions of the defendant, and the representations and arguments of counsel. The court notes that the Government stated it would only pursue that portion of Violation No 1 in the Petition and Amendment which relates to the driving under the influence charge inasmuch as it does not have enough evidence to pursue that portion of Violation No. 1 relating to the possession with intent to deliver a controlled substance.

Pursuant to the court's findings of fact and conclusions of law as enumerated in open court on the record of this proceeding, which are ORDERED incorporated herein by reference, the court finds by a preponderance of the evidence that the defendant has violated the conditions of his supervised release as follows: (1) on June 28, 2024, in South Charleston, West Virginia, the defendant was an impaired driver who was driving a vehicle under the influence of alcohol or a controlled substance; (2) on July 30, 2024, August 6, 2024, and August 13, 2024, the defendant failed to report to the probation office as instructed; (3) on or about August 12, 2024, the defendant left his employment at Soho's restaurant in Charleston, West Virginia, and failed to report the change to the probation officer until August 19, 2024; and (4) on August 19, 2024, the

defendant submitted a urine specimen which tested positive for methamphetamine and fentanyl, and signed an admission form acknowledging his unlawful use of methamphetamine and fentanyl; all as admitted by the defendant, and all as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations found as set forth above warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

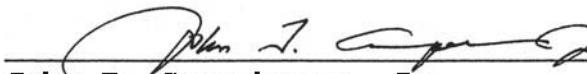
And the court having complied with the requirements of Rule 32.1(b) (2) and (c) (1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) months with no further term of supervised release

imposed. The court finds the sentence is sufficient but not greater than necessary to meet the goals of sentencing.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 10, 2024


John T. Copenhaver, Jr.
Senior United States District Judge